

REMARKS

Status of the Claims

Claims 6-8, 10-11, 13, and new claims 14-18 are pending. Claim 6 is the only independent claim. In this Response, claims 1-5, 9, and 12 have been cancelled merely to expedite prosecution and without prejudice to or disclaimer of the subject matter contained therein.

Initially, Applicants would like to thank the Examiner for indicating that claim 9 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Independent claim 6 has been amended to incorporate the subject matter of cancelled claim 9. Claims 8, 11, and 13 have also been amended. New dependent claims 14-18 have been added. These new claims are directed to methods of refrigeration using the installation of claim 6. New claims 14-18 incorporate the subject matter of cancelled claims 1-5, respectively. Support for the amendments and new claims can be found throughout the specification, including in the original claims. Accordingly, no new matter has been added.

Applicants respectfully request the Examiner to reconsider and withdraw the outstanding rejections in view of the foregoing amendments and the following remarks.

Drawings

The drawings stand objected to under 37 C.F.R. § 1.83(a) as allegedly not showing every feature of the invention specified in the claims. In particular, the Examiner alleges that the drawings do not depict every feature of the invention specified in claim 12. Claim 12 has been cancelled in order to expedite prosecution. As such, the objection to the drawings is now moot. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

Claim Rejections under 35 U.S.C. § 112

Claim 12 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly omitting essential structural cooperative relationships of elements. Without conceding the propriety of the rejection, Applicants have cancelled claim 12 to expedite prosecution. As such, the rejection is now moot. Accordingly, withdrawal of the § 112, second paragraph, rejection is respectfully requested.

Claim Rejections under 35 U.S.C. § 102

Claims 1-4, 6, 8, and 10-11 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,964,097 (“Goetz”). Applicants respectfully disagree with this rejection; therefore, this rejection is respectfully traversed.

Without conceding the propriety of the rejection, claims 1-4 have been cancelled to expedite prosecution.

Also without conceding the propriety of the rejection, independent claim 6 has been amended to incorporate the subject matter of claim 9, which has been cancelled. Applicants note that claim 9 was indicated as containing allowable subject matter. Accordingly, Applicants respectfully submit that independent claim 6, as amended, and the claims dependent thereon are allowable.

Therefore, for at least the reasons discussed above, withdrawal of the § 102(b) rejection of claims 1-4, 6, 8, and 10-11 is respectfully requested.

Claims Rejections under 35 U.S.C. § 103

Claims 5, 7, and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Goetz. Applicants respectfully disagree with this rejection; therefore, this rejection is respectfully traversed.

Without conceding the propriety of the rejection, claim 5 has been canceled to expedite prosecution.

As discussed above, independent claim 6 has been amended to incorporate the subject matter of claim 9, which has been cancelled. Applicants note that claim 9 was indicated as

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containing allowable subject matter. Accordingly, Applicants respectfully submit that independent claim 6, as amended, and the claims dependent thereon are allowable.

Therefore, for at least the reasons discussed above, withdrawal of the § 103(a) rejection of claims 5, 7, and 13 is respectfully requested.

Conclusion

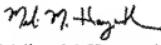
For at least the reasons noted above, the art of record does not disclose or suggest the inventive concept of the present invention as defined by the claims.

In view of the foregoing amendments and remarks, reconsideration of the claims and allowance of the subject application is earnestly solicited. In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

If necessary for a timely response, this paper should be considered as a petition for an Extension of Time sufficient for a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #104011.B130113).

Respectfully submitted,

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